

---

"SECTION 1924 PROVISIONS"

---

- A. Income and resource eligibility policies used to determine eligibility for institutionalized individuals who have spouses living in the community are consistent with Section 1924.
- B. In the determination of resource eligibility, the State resource standard is the minimum standard permitted by law.
- C. The definition of undue hardship for purposes of determining if institutionalized spouses receive Medicaid in spite of having excess countable resources is described below:

Denial of eligibility would work an undue hardship against an institutionalized spouse (as defined in MAABD Program Manual Section 350) when ALL of the following conditions exist:

- 1. The institutionalized spouse is otherwise eligible for Medicaid; AND
- 2. The community spouse (as defined in MAABD Program Manual Section 350) is the sole owner of liquid resources OR non-liquid joint resources valued in excess of the maximum standard permitted by law; AND
- 3. The community spouse has refused to make such resources available to the institutionalized spouse; AND
- 4. The institutionalized spouse has insufficient funds to cover the cost of institutionalized care; AND
- 5. Without Medicaid, the institutionalized spouse would be forced to go without life sustaining medical care as determined by an individual licensed to practice medicine in the State of Nevada.

---

TN No. 00-09

Supersedes

TN No. 00-08

Approval Date 03/30/01

Effective Date 01/01/2001